

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated December 22, 2008, (hereinafter Office Action) have been considered but are believed to be improper. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Applicant respectfully traverses each of the § 103(a) rejections, each of which is based upon a combination of the teachings of Waki and Orui with Trew, because the asserted references alone, or in combination, do not teach or suggest all elements of the claimed invention. Based upon the confusing and contradictory statements in support of the rejections, the claimed invention appears to be misunderstood. In an effort to clarify the claimed invention and the rationale for the rejections, the following table sets forth elements of the claimed invention (using Claim 1 as an example) with the asserted alignment to the teachings of Waki, Orui, and Trew.

Applicant's Claim 1	Waki	Orui	Trew
a broadcast television program	a quiz show		television game show
an event which will occur in the television program	notification event – the message sent to the user to notify whether the user's answer was correct		television game show
user specific parameters including information indicating the event	event identification description (eid)		
at least one message transmitted to a user's mobile station via a cellular radio system in response to said event occurring	prizewinner message		
the message transmitted to control the mobile station to display information included in the message, or to transmit control signals to control a TV apparatus, to provide the user with information about the event		displaying a correct answer to a user in response to a user answering a quiz question	displaying a viewer's quiz answer on the viewer's television

The above-illustrated alignments to the teachings of Waki, Orui, and Trew rely on several incorrect assertions, which fail to provide correspondence to each of the elements of the claimed invention. These assertions are discussed in detail below.

First, the reliance on the teachings of Trew does not overcome the admitted deficiencies in the teachings of Waki and Orui. Trew appears to be relied upon because “Waki and Orui fail to disclose sending at least one message from said network element via a cellular radio system to said mobile station **in response to said event occurring in said at least one television program being broadcasted**” (emphasis in Office Action at page 5). The cited displaying of a quiz answer in Trew fails to correspond to 1) sending a message, 2) sending a message via a cellular radio system, and 3) sending a message in response to a notification event (the asserted event from the teachings of Waki). In contrast, the cited portion of Trew teaches that a viewer is told whether the answer they submitted via a television remote control is correct. The display of the correct answer does not involve sending a message from a network element or sending a message over a cellular radio system since the correct answers are transmitted to the user’s television via satellite, terrestrial radio waves, or cable (Col. 7, lines 25-28). Also, Trew does not teach that the correct answers are transmitted to the viewer in response to a notification event but only that the correct answers be transmitted before the next question is presented unless the correct answers are already stored (Col. 3, line 64 – Col. 4, line 6). Moreover, the correct answers of Trew are broadcast to a television receiver, not the viewer’s mobile station, as claimed. Thus, the display of a correct answer in Trew fails to correspond to several aspects of the claimed sending of a message from a network element via a cellular radio system to said mobile station in response to said event occurring in said at least one television program being broadcasted.

In addition, further assertions regarding Trew are incorrect. For example, the Office Action asserts that Trew displays “a broadcast television program simultaneously while displaying a quiz program”. However, Trew’s television program is the quiz program – there is no “simultaneous” showing. Also, the assertion that the event occurring in said at least one television program is “the television quiz/game show” is illogical. An event

occurring in a program cannot be the program itself. Notably, this asserted “event” of Trew does not correspond to the asserted notification event of Waki, which results in at least a disparate alignment of the asserted teachings. While the assertions regarding Trew are incorrect and do not align with the other asserted teachings, the fact remains that Trew does not overcome the admitted deficiencies in the teachings of Waki and Orui. Therefore, the asserted combination of teachings fails to correspond to each of the elements of the claimed invention. Without a presentation of correspondence to each of the claimed elements, the § 103(a) rejections are improper, and Applicant accordingly requests that each of the rejections be withdrawn.

Second, the asserted alignment of Waki fails to correspond to the asserted limitations because at least the asserted notification event does not correspond to the claimed event occurring in a television program. The Office Action appears to assert that Waki’s sending of a notification to a user regarding the accuracy of a quiz input (asserted notification event) corresponds to the claimed event. However, the sending of a message regarding the accuracy of a user’s input is not an event occurring in a television program as claimed, but rather is step taken by a host station outside of the broadcast quiz show (the host station delivers the message by phoning the phone number of the viewer, Col. 24, lines 39-44). The response notification is not an event occurring in the broadcast. Moreover, the cited portion of Col. 24, lines 51-54 does not teach that an event takes place, in a television program or otherwise, but merely suggests that a viewer can be informed when his answer is right. Thus, the asserted event at page three does not occur in a television program; therefore, the teachings of Waki regarding notifying a user fail to correspond to the claim limitations directed to an event occurring in a television program.

In addition, the asserted eid (event identification data) of Waki fails to correspond to the claimed user specific parameters indicating an event occurring in a television program. The eid merely identifies a program – not an event occurring in a television program. Also, the eid is generated by an operating device, not a user, and therefore is not a user specific parameter, as claimed. Without a presentation of correspondence to each of the claimed limitations, the § 103(a) rejections are improper.

As illustrated and discussed above, the asserted teachings of at least Waki and Trew fail to correspond to the identified claim limitations. Thus, the asserted combination of teachings has not been shown to teach or suggest the claim limitations directed to an event occurring in a television program such as user specific parameters indicating an event or transmitting a message to a mobile station in response to said event occurring in a television program being broadcasted. Without a presentation of correspondence to each of the claimed limitations, the § 103(a) rejections are improper.

With particular respect to the rejection of independent Claim 7, Applicant further traverses because the asserted references also fail to teach a network element with an interface to a television broadcasting system for receiving signals indicating the moments when predetermined events occur in a broadcasted program. The Office Action does not identify any such interface in the teachings of Waki, Orui, or Trew, and these references do not appear to teach receiving signals indicating the moments when predetermined events occur in a broadcasted program, as claimed. In addition, none of the references has been shown to teach a processing unit that generates at least one control message when the network element receives information via said interface, as claimed. Without an assertion or presentation of correspondence, the § 103(a) rejection is improper, and Applicant requests that the rejection be withdrawn.

In order to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974); and moreover, “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). *See, e.g.*, MPEP § 2143.03. The limitations directed to at least user specific parameters indicating an event occurring in a television program appear to have been ignored, and are not taught by the cited references. Without a presentation of correspondence to each of the claimed limitations, the § 103(a) rejections are improper, and Applicant accordingly requests that the rejections be withdrawn.

Dependent Claims 3, 4, and 9-12 depend from independent Claims 1 and 7, respectively. Each of these dependent claims also stands rejected under 35 U.S.C. § 103(a)

as being unpatentable over the above-discussed combination of Waki, Orui, and Trew. While Applicant does not acquiesce to any particular rejections to these dependent claims, including any assertions concerning descriptive material, obvious design choice and/or what may be otherwise well-known in the art, these rejections are moot in view of the remarks made in connection with independent Claims 1 and 7. These dependent claims include all of the limitations of their respective base claims and any intervening claims, and recite additional features which further distinguish these claims from the cited references. “If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious.” MPEP § 2143.03; *citing In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, dependent Claims 3, 4, and 9-12 are also patentable over the asserted combination of Waki, Orui, and Trew.

With respect to the rejections of dependent Claims 6 and 13 the additionally relied upon references have not been shown to teach the limitations absent in Waki, Orui, and Trew. For example, none of the other relied-upon teachings have been asserted as teaching, or shown to teach, storing of user specific parameters and transmitting at least one message when a specified event occurs in a television program, as claimed. Without correspondence to each of the claim limitations, the § 103(a) rejections would be improper and the rejections should not be maintained.

Moreover, Applicant further traverses the § 103(a) rejections because a skilled artisan would not be motivated to look to the teachings of Waki as asserted. In determining the differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. The mere interaction between a user and a host station as taught by Waki fails to recognize or correspond to the limitations directed to an event occurring in a broadcast television program. Thus, modifying Waki to display quiz answers on an operating device disregards the requirement of analyzing Applicant’s claimed subject matter *as a whole*. A skilled artisan’s combination of the asserted teachings would result in user-dependent interaction with a host station rather than interaction based upon stored parameters as claimed. Without a presentation of the requisite suggestion or

motivation to combine the cited references as asserted, the § 103(a) rejection is improper, and Applicant requests that it be withdrawn.

It should be noted that Applicant does not acquiesce to the Examiner's statements or conclusions concerning what would have been obvious to one of ordinary skill in the art, inherent, obvious design choices, common knowledge at the time of Applicant's invention, officially noticed facts, and the like. Applicant reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

Authorization is given to charge Deposit Account No. 50-3581 (IHN.007.A1) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

HOLLINGSWORTH & FUNK, LLC
8009 34th Avenue South, Suite 125
Minneapolis, MN 55425
952.854.2700

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By: /Erin M. Nichols/

Erin M. Nichols
Reg. No. 57,125